

## **REMARKS**

### **Status of the Application**

In this first office action, claims 1-14 were rejected under 35 USC 112 second paragraph and under 35 USC 103 on the basis that the claims are obvious and unpatentable in view of Goodman et al U.S. 5,891,292 taken in view of and Negele U.S. 6,221,439. Claims 1-2, 5-8, 10-11 and 14 were rejected under an obviousness double patenting rejection in view of co-pending application Serial No. 10/017,132. A question was raised by the Examiner in regard to the claim of priority to provisional application 60/419,227.

### **Rejection of Claims 1-13 under 35 U.S.C. § 112**

Claims 1-14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as their invention. The wherein clause apparently was confusing. Claim 1 was drafted to cover the following three aspects of the process:

- (1) thermal radiation through the backing foil prior to removal of the backing foil;
- (2) removal of the backing foil and subsequent thermal radiation of the coating and
- (3) thermal radiation through the backing foil, removal of the backing foil and additional thermal radiation.

Submitted claims 1-14 are directed to the first aspect of the process, namely, supply of thermal energy through the backing foil and removal of the backing foil.

New Claims 15-27 are directed to the second aspect of the process, namely, removal of the backing foil and supply of thermal energy to the coating.

New claims 28-40 are directed to the third aspect of the process, namely, supply of thermal energy through the backing foil and removal of the backing foil and additional supply of thermal energy to cure the coating.

Claims 11 and 14 have been amended to the use of the singular for substrate.

Claim 13 has been amended to delete "the surface zone" for which there was not an antecedent basis.

**Double Patenting Rejection over U.S. Patent 5,743,466**

Claims 1-2, 5-8 and 14 were rejected under the judicially created double patenting doctrine over claims 1-5, 7-8, 10 and 12 of co-pending Serial No. 10/017,132.

Since E.I. DuPont de Nemours and Company owns 100% interest in the subject application and co-pending Serial No. 10/017,132, a terminal disclaimer has been submitted herewith in which the term of any patent issuing from the subject application will terminate on the same date as any patent issuing on co-pending Serial No. 10/017,132.

**Priority**

Applicants claim priority to the provisional patent application Serial No. 60/419,227 filed October 17,2002. This is referenced on page 1, lines 5-7 of the specification and the provisional application has been incorporated by reference. An inadvertent error was made on the application data sheet, which did not refer to the provisional application. Applicants are submitting herewith a revised application data sheet that refers to the provisional application. Applicants respectfully request that this revised application data sheet be entered into the file so that the subject application is given the priority of the provisional application.

**Obviousness Claim Rejections under 35 USC 103**

Claims 1-14 were rejected under 35 USC 103 as being un-patentable over Goodman et al U.S. 5,891,292 taken in view of Negele et al U.S. 6,221,439.

Goodman '292 is directed to dual curing materials with the primary curing being done with UV light or electron beam radiation. Neither are used in applicants' process which is directed to the use of thermal energy to cure the coating layer that is applied to a substrate with a backing layer. Secondary thermal curing with Goodman '292 is an optional post treatment. Applicants' claims are directed to thermal curing and not UV or electron beam curing. The compositions required by Goodman '292 require photoinitiators to implement UV or electron beam curing. The Examiner recognizes that the thermal curing aspect of applicants' novel process for application of a coating layer attached to backing layer as set forth in the amended claims is not taught by Goodman '292.

Goodman '292 was combined with Negele '439 on the basis that Negele '439 teaches the use of heat or IR cure for coating films applied to three dimensional substrates. Negele '439 is mentioned in the background of the invention in applicants specification as a typical coating foil that requires an adhesive layer. Applicants do not utilize or require an adhesive layer in their process for applying a coating layer to a substrate. Negele '439 teaches the application of coating films that use dual cure materials, i.e., materials that require curing by a combination of thermal and radiation curing. Radiation curing does not fully cure the materials of Negele '439 and the material after application remains thermoplastic and workable. This thermoplastic film is place on the surface of a shaped substrate and bonded to the substrate via an adhesive layer (not used in applicants' process). The thermoplastic film is then cured thermally to form a fully cured film. This is not the process set forth in applicants' claims as submitted herewith.

Even if Goodman '292 and Negele '439 are combined as suggested by the Examiner but not by these references, Applicants' process would not result. Both Goodman '292 and Negele'439 require dual cure of radiation and subsequent thermal curing. Applicants do not use radiation curing. Goodman '292 uses an adhesive layer, which applicants do not have or want. Negele '439 uses spray application of coating whereas applicants apply a coating attached to a backing layer to a substrate. These references alone or in combination simply do not teach or suggest all of the aspects of applicants' invention and the rejection based on these references should be withdrawn and the claims as submitted herewith allowed.

Brenner et al U.S. 5,387,304 and Smith et al U.S. 5,166,007 were both listed in the Notice of References cited but not applied by the Examiner in any rejection of the claims and do not appear to teach or suggest applicants' novel process.

### **Supplemental Search Report**

In a recent telephonic interview with the Examiner, the Examiner requested a copy of the EPO search report. Filed here with is an IDS having a copy of the search report that was recently received from the EPO and a copy of the references cited therein attached. The references do not appear to be any more pertinent than the references cited by the Examiner or by applicants in the

**Conclusion**

Applicant respectfully submits that the present claims are patentable. The amended claims obviate the 112 rejections. A terminal disclaimer has been submitted to obviate the double patenting rejection. It was pointed out how the references cited for the obvious rejection are patentably distinguishable from applicants' amended claims submitted here with. A supplemental IDS has been submitted herewith providing a copy of the EPO Search and references cited therein which appear to be no more pertinent than those cited by the Examiner and in the original IDS. Accordingly, prompt favorable action and issuance of a Notice of Allowance for all of pending claims 1 and 3-40 are respectfully requested.

**SUMMARY**

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due which is not accounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,



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